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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: West Wind Winery
2974 Boies Drive
Pleasant Hill, CA 94523

ATTN: Keith Ritthaler, Owner

CITATION FOR NONCOMPLIANCE
WITH TOTAL COLIFORM MONITORING AND REPORTING
JANUARY THRU SEPTEMBER 2015
WATER SYSTEM NO: 4800812
CITATION NO: 02_04_15C_007
CITATION ISSUED: OCTOBER 15, 2015

Section 116650 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued thereunder.

The Division of Drinking Water (Division) of the State of California Water Resources Control Board (Board) hereby issues a citation to West Wind Winery for failure to comply with Title 22, California Code of Regulations (CCR) Section 64423.



APPLICABLE STATUTES

Section 116650 of the CHSC states in relevant part:

- (a) If the division determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the division may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- (e) The division may assess a penalty in an amount not to exceed one thousand dollars (\$1000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

Section 64423 of the California Code of Regulations states in relevant part:

- (a) Each water supplier shall collect routine bacteriological water samples as follows:
 - (3) The minimum number of samples for transient-noncommunity water system using groundwater and serving 1000 or fewer persons a month shall be one in each quarter during which the system provides water to the public.

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3 **STATEMENT OF FACTS**
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5 West Wind Winery, (Winery) is classified as a transient-noncommunity water system with two
6 connections a serving a population of 100. As of the date of this Citation, the Division has not
7 received results for a routine bacteriological sample collected from the distribution system of
8 West Wind Winery since January 2015. It has been nine (9) months that the Division has not
9 received the routine bacteriological sample results.

10 **DETERMINATION**

11 The Division has determined that the Winery is in violation of Title 22, CCR, Section 64423
12 Routine Sampling and Sample Analysis and Reporting Results. Section 64423 defines a
13 violation of the routine sampling as not collecting the minimum number of samples.

14 The Winery has not collected any routine bacteriological samples from January through
15 September 2015. The results, if any were not reported. Therefore, the Winery violated the
16 routine sampling and reporting in Section 64423 for the first three quarters of 2015.

17 **DIRECTIVES**
18

19 West Wind Winery is hereby directed to take the following actions:

- 20 1. Comply with Section 64423 Title 22, CCR in all future monitoring periods.
- 21
- 22 2. On or before November 1, 2015, notify all persons served by the Winery of the
23 monitoring and reporting violation in conformance with Section 64463.4 and 64465,
24 Title 22, CCR, Appendix 1: Public Notification Template may be used to fulfill this
25 directive.
- 26 3. Completion of Attachment A is to include the name, address, and telephone number of
27 a Winery representative as source of additional information concerning the public
notice. You must also give a legible, written description (preferably typed) of the

1 corrective actions taken by the water system to prevent this violation from occurring in
2 the future. You must use the space provided on Attachment A for this written
3 description.

- 4 4. The Winery shall complete Appendix 2: Compliance Certification. Submit it together
5 with a copy of the public notification to the Division on or before November 30, 2015.
6

7 The Division reserves the right to make such modification to this Citation, as it may deem
8 necessary to protect public health and safety. Such modification may be issued as
9 amendments to this Citation and shall be effective upon issuance.

10 Nothing in this Citation relieves the Winery of its obligations to meet the requirements of the
11 California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing
12 with Section 116270), or any regulation, standard, permit, or order issued thereunder.

13 All submittals required by this Citation shall be submitted to the Division at the following
14 address:

15 Robert Brownwood, P.E.
16 San Francisco District Engineer
17 State Water Resources Control Board
18 Division of Drinking Water
19 850 Marina Bay Parkway, Bldg. P., 2nd Floor
20 Richmond, CA 94804

21 **PARTIES BOUND**

22
23 This Citation shall apply to and be binding upon the Winery, its owners, officers, directors,
24 agents, employees, contractors, successors, and assignees.

25 **SEVERABILITY**

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27 The directives of this Citation are severable, and the Winery shall comply with each provision
thereof notwithstanding the effectiveness of any provision.



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3 **FURTHER ENFORCEMENT ACTION**

4 Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the California Health
5 and Safety Code authorizes the Division to: issue additional citations with assessment of
6 penalties if the System continues to fail to correct a violation identified in a citation; take action
7 to suspend or revoke a permit that has been issued to a public water system if the System
8 has violated applicable law or regulations or has failed to comply with orders of the Division;
9 and petition the superior court to take various enforcement measures against a public water
10 system that has failed to comply with orders of the Division. The Division does not waive any
11 further enforcement action by issuance of this citation.
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14 OCTOBER 15, 2015

15 Date

Robert C. Brown
Robert Brownwood, P.E.
San Francisco District Engineer
Division of Drinking Water
State Water Resources Control Board

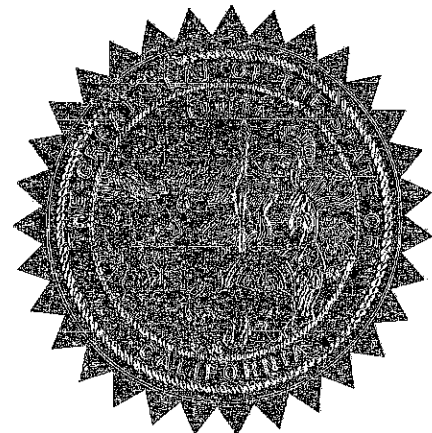
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18 Appendices:

19 Public Notification
20 Compliance Certification

21 Certified Mail No: 7014 3490 0001 7031 0536

22 cc: Solano County Environmental Health Department
23

24
25 4800812/Compliance
26 02_04_15C_23_007_4800812
27



COMPLIANCE CERTIFICATION

Citation Number 02_04_15C_23_007

Name of Water System: West Wind Winery

System Number: 4800812

Certification

I certify that the users of the water supplied by this water system were notified of the bacteriological sampling violations of Title 22, California Code of Regulations (CCR) for the compliance period of January – September 2015

Required Action

Date Completed

Complete Attachment A, as required in Directive 3
Public Notification – Continuous Posting for 7 days
Public Notification – Newspaper

Signature of Water System Representative

Date

Attach a copy of the notice delivered to customers.

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT
NO LATER THAN November 1, 2015**

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable. Tradúzcalo o hable con alguien que lo entienda bien.

West Wind Winery Failed to Test for Coliform Bacteria During the Months of January – September 2015

Our water system failed to test the drinking water for coliform bacteria during January through September 2015. Although this is not an emergency, as our customers have a right to know about this violation, what happened, what you should do, and what we did to correct the situation. Please share this information with other people who drink this water, especially those who may not have received this notice directly. You can do this by posting this notice in a public place or giving out copies by hand or mail.

What happened? We are required by state regulation to monitor our drinking water for specific contaminants on a regular basis. Results of this routine monitoring are an indicator of whether or not the drinking water meets health standards. We did not test for coliform bacteria during the period of January through September 2015, and therefore, cannot be sure of the quality of the drinking water during that time.

What does this mean?

Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliform bacteria are indicators of potential contamination and may originate from human, animal, or soil sources. If the coliform standards are met, the water served can be considered safe from bacteria. If they are not met, drinking the water may not necessarily result in illness, but that possibility exists. Routine sampling and follow up sampling are important to periodically verify the water quality. Our failure to test the drinking water for bacteria during the months of January through August 2015 was a violation of Section 64423, Title 22 of the California Code of Regulations (CCR).

What should I do? This is not an emergency. If you have health concerns, you may wish to consult your doctor. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at (800) 426-4791.

What corrective actions have been taken to prevent this violation from occurring in the future?

This notification of the public is being done in compliance with Section 64463.4, Title 22 of the CCR as a means of keeping the public informed.

Persons wishing more information should contact:

(name)

(address)

(phone number)